

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Inventor(s): William L. King and John H. Sullivan	
App. No.: 10/589,631	Con. No.: 9711
Filed: September 4, 2008	Art Unit: 3781
Title: Carry-On Case for Conforming to the Curved Shape of an Overhead Carry-On Luggage Compartment	Examiner: Tri M. Mai

**INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. §§1.97(b)(4) and 1.98**

MAIL STOP RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The Examiner is requested to consider the references noted on the enclosed Form PTO/SB/08a during examination of the above-identified patent application. These references are submitted for the Examiner's consideration and are submitted pursuant to the duty of disclosure under 37 C.F.R. § 1.56. In submitting these references, no representation is made or implied that the references are or are not material to the examination of the application. The Examiner is encouraged to make his or her own determination of materiality. Pursuant to the requirements of 37 C.F.R. § 1.98(a)(2)(ii), copies of the U.S. patent and U.S. patent application publication references are not provided, unless required by the Office.

This Information Disclosure Statement is being filed before the first Office action, concurrently with the filing of a Request for Continued Examination. Accordingly, pursuant to 37 C.F.R. § 1.97(b)(4), no fees are due with respect to this filing. However, should any such fees or petitions be required, please consider this a request therefor and authorization to charge Deposit Account No. 04-1415 as necessary.


The Assignee directs the Examiner's attention to McKesson Information Solutions, Inc. v. Bridge Medical, Inc. , 487 F.3d 897, 901 (Fed. Cir. 2007), in which the U.S. Federal Circuit Court held that inequitable conduct existed on behalf of applicant for failure to disclose "items of

information during prosecution . . . of copending applications." In light of this decision, the Assignee has cited on the enclosed Form PTO/SB/08a a prosecution document from co-pending U.S. Application No. 10/589,632 (Publication No. 2009/0127046), which is closely related to the above-referenced application. The prosecution document is cited to allow the Examiner to assess whether the Examiner considers the exchange between the USPTO and the Assignee in the '632 application to be material to the patentability of this application.

If the Examiner has any questions, please contact the undersigned attorney.

Dated: September 29, 2010

Respectfully submitted,


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